

DENNIS J. HERRERA, State Bar #139669  
City Attorney  
JOANNE HOEPER, State Bar #114961  
Chief Trial Deputy  
ELIZABETH DEELEY, State Bar #23079  
Deputy City Attorney  
Fox Plaza  
1390 Market Street, 6<sup>th</sup> Floor  
San Francisco, California 94102-5408  
Telephone: (415) 554-3982  
Facsimile: (415) 554-3837  
E-Mail: elizabeth.deeleyfgov.org

Attorneys for Defendant  
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARK BURDETT,

Plaintiff,

vs.

San Francisco Police Officers RAMON  
REYNOSA (#454), MARK SHEA  
(#2092) and SFPD DOES 1 through 10,  
inclusive; SAN FRANCISCO SHERIFF'S  
DEPARTMENT DOES 11 through 15,  
inclusive, THE CITY AND COUNTY OF  
SAN FRANCISCO, and City and County  
DOES 16 through 20, INCLUSIVE,

Defendants.

Case No. C06-0720 JCS

STIPULATION REGARDING FILING  
OF AMENDED COMPLAINT AND  
DISCOVERY

Date Action Filed: February 1, 2006  
Trial Date: May 14, 2007

Plaintiff MARK BURDETT and Defendant CITY AND COUNTY OF SAN FRANCISCO  
and Mark Shea, (collectively "the Parties") by and through their respective undersigned counsel,  
hereby stipulate and agree to the following:

1. Defendants will not object to Plaintiff amending his complaint to add the following  
state law claims from his currently pending state court case, *Mark Burdett v. Ramon Reynoso, et al.*,

STIP. RE AMENDED COMPLAINT AND  
DISCOVERY

Case No. 440-761 filed in San Francisco Superior Court, which have the following claim numbers in the state court case: (i) false arrest and imprisonment (Claim One), (ii) assault and battery (Claim Two), (iii) interference with and retaliation for exercise of free speech (Claim Three), (iv) violation of California civil rights Bane Act (Claim Six) and (v) common law negligence (Claim Nine). For purposes of the statute of limitations, Defendants agree to treat these claims as if they had been filed on April 26, 2005, the date that the claims were filed in state court. Defendants reserve all defenses to these claims (including statute of limitations and Tort Claims Act defenses) that would have existed for these claims had Plaintiff pursued them in the state court case, *Mark Burdett v. Ramon Reynoso, et al.*, Case No. 440-761 filed on April 26, 2005.

2. Should Plaintiff elect to add these state claims to his federal complaint, Plaintiff will dismiss his currently pending state court case, *Mark Burdett v. Ramon Reynoso, et al.*, Case No. 440-761, without prejudice as to the claims identified in Paragraph 1 above and with prejudice as to all other claims. Plaintiff agrees to make an election as to whether he will add state claims to this federal case and dismiss the state claims from San Francisco Superior Court no later than June 12, 2006.

3. Plaintiff will claim 25 hours worth of attorney's fees accumulated to date in the state court case, *Mark Burdett v. Ramon Reynoso, et al.*, Case No. 440-761, toward his attorney's work in this federal case, in the event he pursues a petition for attorney's fees in this federal case. Defendants will not oppose Plaintiff's claim to 25 hours in attorneys fees accumulated to date in that state court case on the basis that those hours were incurred in furtherance of that separate state court case. Defendants reserve all other objections and arguments regarding such attorneys fees.

4. Defendants will not oppose Plaintiff adding, by June 12, 2006, individually named defendants that have already been identified in the complaint as Doe defendants. Should the Parties later learn that Doe 1 or the persons disclosed by defendants in response to Plaintiff's Special Interrogatories, Set One in *Mark Burdett v. Ramon Reynoso, et al.*, Case No. 440-761, were mistakenly misidentified, Defendants will not oppose Plaintiff's naming of the properly identified defendant(s), unless Plaintiff was previously aware of the correct identity of such defendant(s) but failed to properly name such defendant(s).

5. Plaintiff and Defendants stipulate and agree that depositions taken in the state court case, *Mark Burdett v. Ramon Reynoso, et al.*, Case No. 440-761, may be used in this case, the same as if they were taken in this case.

6. Plaintiff and Defendants stipulate and agree that written discovery, including documents, and things, exchanged in the state court case, *Mark Burdett v. Ramon Reynoso, et al.*, Case No. 440-761, may be used in this case, the same as if they were exchanged in this case, unless an objection to such use in this case on the basis of a difference in Federal and State standards and rules is made at or before the time that objections to such written discovery is due.

Dated: May 19, 2006

DENNIS J. HERRERA  
City Attorney  
JOANNE HOEPER  
Chief Trial Attorney  
ELIZABETH L. DEELEY  
Deputy City Attorneys

By: /s/  
ELIZABETH L. DEELEY  
Attorneys for Defendants  
CITY AND COUNTY OF SAN FRANCISCO AND  
MARK SHEA

Dated: May 19, 2006

ROSENFELD LAW OFFICE

By: /s/  
BEN ROSENFELD  
Attorney at Law  
Attorneys for Plaintiff

Dated: May 22, 2006



STIP. RE AMENDED COMPLAINT AND  
DISCOVERY